

Minutes of Meeting

VIRGINIA REAL ESTATE BOARD INFORMAL FACT-FINDING CONFERENCES JULY 31, 2003 (8:30 A.M.)

The Virginia Real Estate Board convened in Richmond, Virginia, for the purpose of holding Informal Fact-Finding Conferences pursuant to the Administrative Process Act.

Gerald S Divaris, Board Member, Presided and Sharon Parker Johnson, Board Member, Assisted. No other Board members were present.

Douglas W. Schroder appeared for the Department of Professional and Occupational Regulation.

The conferences were recorded by Inge Snead & Associates, LTD and the Summaries or Consent Orders are attached unless no decision was made.

Lic=Licensing Application

A - Applicant
B - Broker
W - Witness

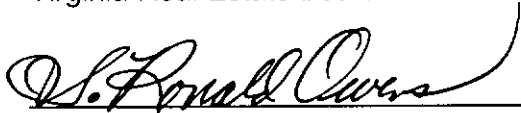
Participants

- | | | |
|----|---|--|
| 1. | George Anen
File Number 2003-03152 (Lic) | Anen - A |
| 2. | Lawrence Bahl
File Number 2003-03150 (Lic) | Bahl - A |
| 3. | Lyndon Thompson
File Number 2003-03267 (Lic) | Thompson - A |
| 4. | Daniel Bacon
File Number 2003-03271 (Lic) | Bacon - A
Lucia A. Trigiani - A
Christy Mandeville-W |
| 5. | Ryan Sanford
File Number 2003-03184 (Lic) | Sanford - A |
| 6. | James Jernigan
File Number 2003-03183 (Lic) | Jernigan - A |
| 7. | Jonathan Morris
File Number 2003-03270 (Lic) | Morris - A |
| 8. | Cynthia Cain
File Number 2003-03241 (Lic) | Cain - A
Kathy Samson - B |

- | | | |
|-----|--|---|
| 9. | Colette May
File Number 2003-03242 (Lic) | May – A |
| 10. | Barry Hale
File Number 2003-03268 (Lic) | Hale – A
Barry C. Hale - W
Bill Gearhart – B |
| 11. | Debra Palmer
File Number 2003-03182 (Lic) | Palmer – A
Sharon Wilborn – B
Linda Baldwin – B |
| 12. | Linz Audain
File Number 2003-03005 (Lic) | Audain – A |
| 13. | Sandra Musselwhite
File Number 2003-03154 (Lic)
(No decision made) | Musselwhite – A
Cassandra Ayala - W |
| 14. | Robert David Gim
File Number 2003-03461 (Lic) | Gim – A |

The meeting adjourned at 4:00 p.m.

Virginia Real Estate Board


S. Ronald Owens, Chairman


Louise Fontaine Ware, Secretary

COPY TESTE:

Custodian of Records

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION

REAL ESTATE BOARD

IN RE: GEORGE W. ANEN, SR.
APPLICATION FOR REAL ESTATE SALESPERSONS LICENSE

FILE NUMBER: 2003- 03152

Summary of the Informal Fact-Finding Conference

An Informal Fact-Finding Conference (IFF) was convened on July 31, 2003, at the Department of Professional and Occupational Regulation, pursuant to a Notice of Informal Fact-Finding Conference sent by certified mail to George W. Anen on June 23, 2003. The following individuals participated at the conference: George W. Anen, Sr., Applicant; Douglas Schroder, Staff Member; Gerald S. Divaris, presiding Board Member and Sharon Parker Johnson, assisting Board Member.

Summation of Facts

1. George W. Anen, Sr. (Anen) applied for a real estate salesperson's license by examination on or about May 7, 2003, and disclosed criminal conviction(s).
2. On or about May 20, 2003, the Board's licensing staff provided the Regulatory Programs Division Application Review Informal Fact Finding Conference Referral Memorandum, which states the reasons the license was not issued.
3. During the IFF, Anen stated that he had a stroke four years ago, which impacted his ability to perform his work. His businesses failed, which in turn resulted in declaration of personal bankruptcy in 2002.

Prior Criminal Convictions

§ 54.1-204 of the Code of Virginia. Prior convictions not to abridge rights.

B. In determining whether a criminal conviction directly relates to an occupation or profession, the regulatory board shall consider the following criteria:

1. The nature and seriousness of the crime;

George W. Anen, Sr., was convicted of shoplifting November 5, 1973, a misdemeanor.

2. The relationship of the crime to the purpose for requiring a license to engage in the occupation;

The purpose of licensure is to protect the health, safety, and welfare of the public.

Anen's conviction occurred over 29 years ago and, he has had no further criminal charges since that time.

3. The extent to which the occupation or profession might offer an opportunity to engage in further criminal activity of the same type as that in which the person had been involved;

This offense was a youthful indiscretion and should not perpetuate further criminal activity.

4. The relationship of the crime to the ability, capacity or fitness required to perform the duties and discharge the responsibilities of the occupation or profession;

Due to the age of the crime and Anen's actions since that time, I do not believe that the misdemeanor conviction will affect Anen's ability to be a responsible real estate salesperson.

5. The extent and nature of the person's past criminal activity;

Anen was convicted of shoplifting, a misdemeanor.

6. The age of the person at the time of the commission of the crime;

Anen was approximately 18 years old at the time of the crime.

7. The amount of time that has elapsed since the person's last involvement in the commission of a crime;

This offense, which resulted in Anen's shoplifting conviction, occurred on or about October 24, 1973.

8. The conduct and work activity of the person prior to and following the criminal activity; and

During the IFF, Anen stated he was in the business for himself, operating Tuffey Auto Centers following his conviction.

9. Evidence of the person's rehabilitation or rehabilitative effort while incarcerated or following release.

Anen was not incarcerated.

Conclusion and Recommendation

Based upon the record, including the information obtained from the Central Criminal Records Exchange, and in consideration of the criteria outlined in § 54.1-204.B, we recommend Anen's application for a real estate salesperson's license by examination be approved. We determined that his

bankruptcy had no bearing on his ability to perform his duties and responsibilities and as a licensed real estate salesperson.

By: _____

Gerald S. Divaris
Presiding IFF Board Member
Real Estate Board

Date: July 31, 2003

By: _____

Sharon Parker Johnson
Assisting IFF Board Member
Real Estate Board

Date: July 31, 2003

**COMMONWEALTH OF VIRGINIA
DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION**

REAL ESTATE BOARD

**IN RE: LAWRENCE SHELTON BAHL
APPLICATION FOR REAL ESTATE SALESPERSON'S LICENSE**

FILE NUMBER: 2003- 03150

Summary of the Informal Fact-Finding Conference

An Informal Fact-Finding Conference (IFF) was convened on July 31, 2003, at the Department of Professional and Occupational Regulation, pursuant to a Notice of Informal Fact-Finding Conference sent by certified mail to Lawrence Shelton Bahl on June 23, 2003. The following individuals participated at the conference: Lawrence Shelton Bahl, Applicant; Douglas Schroder, Staff Member; Gerald S. Divaris, presiding Board Member and Sharon Parker Johnson, assisting Board Member.

Summation of Facts

1. Lawrence Shelton Bahl (Bahl) applied for a real estate salesperson's license by examination on or about April 29, 2003, and disclosed criminal conviction(s).
2. On or about May 19, 2003, the Board's licensing staff provided the Regulatory Programs Division Application Review Informal Fact Finding Conference Referral Memorandum, which states the reasons the license was not issued.

Prior Criminal Convictions

§ 54.1-204 of the Code of Virginia. Prior convictions not to abridge rights.

B. In determining whether a criminal conviction directly relates to an occupation or profession, the regulatory board shall consider the following criteria:

1. The nature and seriousness of the crime;

Bahl was convicted of petit larceny, a misdemeanor, resulting from the attempted removal of five packages of ceiling grid panels from the Pentagon.

2. The relationship of the crime to the purpose for requiring a license to engage in the occupation;

The purpose of licensure is to protect the health, safety, and welfare of the public.

Bahl's conviction occurred 22 years ago, and he has had no criminal convictions since that time.

3. The extent to which the occupation or profession might offer an opportunity to engage in further criminal activity of the same type as that in which the person had been involved;

We do not believe that this conviction will affect Bahl's ability to carry out his responsibilities and duties as a licensed real estate salesperson.

4. The relationship of the crime to the ability, capacity or fitness required to perform the duties and discharge the responsibilities of the occupation or profession;

Due to the age of the crime and Bahl's actions since that time, I do not believe that the misdemeanor conviction will affect Bahl's ability to be a responsible real estate salesperson.

5. The extent and nature of the person's past criminal activity;

Bahl was convicted of petit larceny, a misdemeanor.

6. The age of the person at the time of the commission of the crime;

Bahl was approximately 32 years old at the time of the crime.

7. The amount of time that has elapsed since the person's last involvement in the commission of a crime;

The last offense, which resulted in Bahl's petit larceny conviction, occurred on or about August, 1981.

8. The conduct and work activity of the person prior to and following the criminal activity; and

In a letter to the Board from Bahl, dated April 22, 2003, Bahl stated that he has worked in the telecommunications business prior to and after his conviction.

9. Evidence of the person's rehabilitation or rehabilitative effort while incarcerated or following release.

Bahl was not incarcerated, but was required to perform 50 hours of community service. He completed the required 50 hours as a volunteer with the Vietnamese Relocation and Assistance Program and continued as a volunteer with this organization for a period of over six-months. In addition, Bahl has continued to perform community service with no charge and without obligation.

Conclusion and Recommendation

Based upon the record, including the information obtained from the Central Criminal Records Exchange, and in consideration of the criteria outlined in § 54.1-204.B, we recommend Bahl's application for a real estate salesperson's license by examination be approved.

By: _____

Gerald S. Divaris
Presiding IFF Board Member
Real Estate Board

Date: July 31, 2003

By: _____

Sharon Parker Johnson
Assisting IFF Board Member
Real Estate Board

Date: July 31, 2003

**COMMONWEALTH OF VIRGINIA
DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION**

REAL ESTATE BOARD

**IN RE: LYNDON CHARLES THOMPSON
APPLICATION FOR REAL ESTATE SALESPERSON'S LICENSE**

FILE NUMBER: 2003- 03267

Summary of the Informal Fact-Finding Conference

An Informal Fact-Finding Conference (IFF) was convened on July 31, 2003, at the Department of Professional and Occupational Regulation, pursuant to a Notice of Informal Fact-Finding Conference sent by certified mail to Lyndon Charles Thompson on June 23, 2003. The following individuals participated at the conference: Lyndon Charles Thompson, Applicant; Douglas Schroder, Staff Member; Gerald S. Divaris, presiding Board Member and Sharon Parker Johnson, assisting Board Member.

Summation of Facts

1. Lyndon Charles Thompson (Thompson) applied for a real estate salesperson's license by examination on or about May 16, 2003, and disclosed criminal conviction(s).
2. On or about June 2, 2003, the Board's licensing staff provided the Regulatory Programs Division Application Review Informal Fact Finding Conference Referral Memorandum, which states the reasons the license was not issued.

Prior Criminal Convictions

§ 54.1-204 of the Code of Virginia. Prior convictions not to abridge rights.

B. In determining whether a criminal conviction directly relates to an occupation or profession, the regulatory board shall consider the following criteria:

1. The nature and seriousness of the crime;

Thompson was convicted of larceny, a misdemeanor. This conviction occurred as a result of Thompson putting gas in a vehicle and leaving the gas station without paying for it.

2. The relationship of the crime to the purpose for requiring a license to engage in the occupation;

The purpose of licensure is to protect the health, safety, and welfare of the public.

Thompson's conviction occurred over 20 years ago and, he has had no further criminal charges since that time.

3. The extent to which the occupation or profession might offer an opportunity to engage in further criminal activity of the same type as that in which the person had been involved;

This offense was a youthful indiscretion and should not perpetuate further criminal activity.

4. The relationship of the crime to the ability, capacity or fitness required to perform the duties and discharge the responsibilities of the occupation or profession;

Due to the age of the crime and Thompson's actions since that time, I do not believe that the misdemeanor conviction will affect Thompson's ability to be a responsible real estate salesperson.

5. The extent and nature of the person's past criminal activity;

Thompson was convicted of larceny, a misdemeanor.

6. The age of the person at the time of the commission of the crime;

Thompson was approximately 24 years old at the time of the crime.

7. The amount of time that has elapsed since the person's last involvement in the commission of a crime;

The last offense, which resulted in Thompson's larceny conviction, occurred on or about January 4, 1983.

8. The conduct and work activity of the person prior to and following the criminal activity; and

During the IFF, Thompson stated he attended college two years prior to his conviction and following the conviction he re-entered college and completed his degree. Thompson has been working in the accounting field for over 10 years and has been a licensed CPA since 1996. Thompson has been working as a consultant for the last few years.

9. Evidence of the person's rehabilitation or rehabilitative effort while incarcerated or following release.

Thompson was not incarcerated.

Conclusion and Recommendation

Based upon the record, including the information obtained from the Central Criminal Records Exchange, and in consideration of the criteria outlined in § 54.1-204.B, we recommend Thompson's application for a real estate salesperson's license by examination be approved.

By: _____

Gerald S. Divaris
Presiding IFF Board Member
Real Estate Board

Date: July 31, 2003

By: _____

Sharon Parker Johnson
Assisting IFF Board Member
Real Estate Board

Date: July 31, 2003

**COMMONWEALTH OF VIRGINIA
DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION
REAL ESTATE BOARD**

**IN RE: DANIEL SHANE BACON
APPLICATION FOR REAL ESTATE SALEPERSON'S LICENSE
FILE NUMBER: 2003- 03271**

Summary of the Informal Fact-Finding Conference

An Informal Fact-Finding Conference (IFF) was convened on July 31, 2003, at the Department of Professional and Occupational Regulation, pursuant to a Notice of Informal Fact-Finding Conference sent by certified mail to Daniel Shane Bacon on June 23, 2003. The following individuals participated at the conference: Daniel Shane Bacon, Applicant and Lucia Anna Trigiani, his attorney; Christy Mandeville; Douglas Schroder, Staff Member; Gerald S. Divaris, presiding Board Member and Sharon Parker Johnson, assisting Board Member.

Summation of Facts

1. Daniel Shane Bacon (Bacon) applied for a real estate salesperson's license by examination on or about April 1, 2003, and disclosed criminal conviction(s).
2. On or about June 3, 2003, the Board's licensing staff provided the Regulatory Programs Division Application Review Informal Fact Finding Conference Referral Memorandum, which states the reasons the license was not issued.

Prior Criminal Convictions

§ 54.1-204 of the Code of Virginia. Prior convictions not to abridge rights.

B. In determining whether a criminal conviction directly relates to an occupation or profession, the regulatory board shall consider the following criteria:

1. The nature and seriousness of the crime;

Bacon was convicted of conspiracy to distribute cocaine, a felony.

2. The relationship of the crime to the purpose for requiring a license to engage in the occupation;

The purpose of licensure is to protect the health, safety, and welfare of the public.

Bacon's conviction occurred over 16 years ago and, he has had no further criminal charges since that time.

3. The extent to which the occupation or profession might offer an opportunity to engage in further criminal activity of the same type as that in which the person had been involved;

This offense resulted from poor judgment as a young man and "association with all the wrong people". His employment as a real estate salesperson has no bearing on his past criminal conduct.

4. The relationship of the crime to the ability, capacity or fitness required to perform the duties and discharge the responsibilities of the occupation or profession;

Due to the age of the crime and Bacon's actions since that time, I do not believe that the felony conviction will affect Bacon's ability to be a responsible real estate salesperson.

5. The extent and nature of the person's past criminal activity;

Bacon was convicted of conspiracy to distribute cocaine, a felony.

6. The age of the person at the time of the commission of the crime;

Bacon was approximately 20 years old at the time of the crime.

7. The amount of time that has elapsed since the person's last involvement in the commission of a crime;

The offense, which resulted in Bacon's conspiracy to distribute cocaine conviction, occurred during the period beginning 1984 through December, 1986.

8. The conduct and work activity of the person prior to and following the criminal activity; and

In a letter from Bacon to the Board, dated March 24, 2003, Bacon stated he returned to school after his incarceration and obtained his GED. Bacon continued his education by attending Northern Virginia Community College for two years and McIntire School of Commerce at the University of Virginia, where Bacon earned a B.S. in Commerce in 1993. Since that time, Bacon has been employed as a Software Engineer with gedas USA, Inc., a consulting firm owned by Volkswagen. For the last few years,

Bacon has been developing web sites for real estate brokers and real estate agents. Most recently, Bacon has been acting as an assistant to Ms. Christy Mandeville, who is a real estate licensee in Virginia.

9. Evidence of the person's rehabilitation or rehabilitative effort while incarcerated or following release.

While incarcerated, Bacon attended drug abuse counseling. On January 8, 1998, Governor Allen restored Bacon's civil rights.

Conclusion and Recommendation

Based upon the record, including the information obtained from the Central Criminal Records Exchange, and in consideration of the criteria outlined in § 54.1-204.B, we recommend Bacon's application for a real estate salesperson's license by examination be approved.

By: _____

Gerald S. Divaris
Presiding IFF Board Member
Real Estate Board

Date: July 31, 2003

By: _____

Sharon Parker Johnson
Assisting IFF Board Member
Real Estate Board

Date: July 31, 2003

COMMONWEALTH OF VIRGINIA DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION

REAL ESTATE BOARD

**IN RE: RYAN CHRISTOPHER SANFORD
APPLICATION FOR REAL ESTATE SALESPERSON'S LICENSE**

Summary of the Informal Fact-Finding Conference

An Informal Fact-Finding Conference (IFF) was convened on July 31, 2003, at the Department of Professional and Occupational Regulation, pursuant to a Notice of Informal Fact-Finding Conference sent by certified mail to Ryan Christopher Sanford on June 23, 2003. The following individuals participated at the conference: Ryan Christopher Sanford Applicant; Douglas Schroder, Staff Member; Gerald S. Divaris, presiding Board Member and Sharon Parker Johnson, assisting Board Member.

Summation of Facts

1. Ryan Christopher Sanford (Sanford) applied for a real estate salesperson's license by examination on or about May 7, 2003, and disclosed criminal conviction(s).
2. On or about May 22, 2003, the Board's licensing staff provided the Regulatory Programs Division Application Review Informal Fact Finding Conference Referral Memorandum, which states the reasons the license was not issued.
3. Note: Although the regulations do not require a review of misdemeanor concealed weapon convictions, during the IFF, Sanford disclosed his concealed weapon conviction. He explained that the circumstances were technical in nature, as he was licensed to carry a handgun, but did not possess a permit to carry a concealed weapon. He has since obtained a permit to carry a concealed weapon. The reason for Sanford carrying a handgun related to the nature of his business and the locations in which he serviced his customers.

Prior Criminal Convictions

§ 54.1-204 of the Code of Virginia. Prior convictions not to abridge rights.

B. In determining whether a criminal conviction directly relates to an occupation or profession, the regulatory board shall consider the following criteria:

1. The nature and seriousness of the crime;

Sanford was convicted of petit larceny, a misdemeanor.

2. The relationship of the crime to the purpose for requiring a license to engage in the occupation;

The purpose of licensure is to protect the health, safety, and welfare of the public.

Sanford's conviction occurred over 10 years ago and, he has had no further criminal charges since that time.

3. The extent to which the occupation or profession might offer an opportunity to engage in further criminal activity of the same type as that in which the person had been involved;

This offense was a youthful indiscretion and should not perpetuate further criminal activity.

4. The relationship of the crime to the ability, capacity or fitness required to perform the duties and discharge the responsibilities of the occupation or profession;

Due to the age of the crime and Sanford's actions since that time, we do not believe that the misdemeanor conviction will affect Sanford's ability to be a responsible real estate salesperson.

5. The extent and nature of the person's past criminal activity;

Sanford was convicted of petit larceny, a misdemeanor.

6. The age of the person at the time of the commission of the crime;

Sanford was approximately 18 years old at the time of the crime.

7. The amount of time that has elapsed since the person's last involvement in the commission of a crime;

The last offense, which resulted in Sanford's petit larceny conviction, occurred on or about November 30, 1993.

8. The conduct and work activity of the person prior to and following the criminal activity; and

During the IFF, Sanford stated that following his conviction he attended college but was unable to complete his degree due to his father's illness. Sanford operated the business (Car Care Products, Inc.) with his father. Sanford assumed the responsibility for running the business, following his father's death. In 2002, he sold the business, after which he worked for the buyer as a sales representative for approximately six months. He has

decided to pursue a career in real estate, which has been a successful venture for his wife.

9. Evidence of the person's rehabilitation or rehabilitative effort while incarcerated or following release.

Sanford was sentenced to three (3) weekends in the Chesterfield County Jail.

Conclusion and Recommendation

Based upon the record, including the information obtained from the Central Criminal Records Exchange, and in consideration of the criteria outlined in § 54.1-204.B, we recommend Sanford's application for a real estate salesperson's license by examination be approved. We determined that neither conviction is a detriment to his ability to carry out the duties and responsibilities of a real estate salesperson.

By: _____

Gerald S. Divaris
Presiding IFF Board Member
Real Estate Board

Date: July 31, 2003

By: _____

Sharon Parker Johnson
Assisting IFF Board Member
Real Estate Board

Date: July 31, 2003

COMMONWEALTH OF VIRGINIA DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION

REAL ESTATE BOARD

**IN RE: JAMES ALLEN JERNIGAN
APPLICATION FOR REAL ESTATE SALESPERSON'S LICENSE**

FILE NUMBER: 2003- 03183

Summary of the Informal Fact-Finding Conference

An Informal Fact-Finding Conference (IFF) was convened on July 31, 2003, at the Department of Professional and Occupational Regulation, pursuant to a Notice of Informal Fact-Finding Conference sent by certified mail to James Allen Jernigan on June 23, 2003. The following individuals participated at the conference: James Allen Jernigan, Applicant; Douglas Schroder, Staff Member; Gerald S. Divaris, presiding Board Member and Sharon Parker Johnson, assisting Board Member.

Summation of Facts

1. James Allen Jernigan (Jernigan) applied for a real estate salesperson's license by examination on or about February 3, 2003, and disclosed criminal conviction(s).
2. On or about May 22, 2003, the Board's licensing staff provided the Regulatory Programs Division Application Review Informal Fact Finding Conference Referral Memorandum, which states the reasons the license was not issued.
3. During the IFF, Jernigan volunteered that he lost his license as a result of numerous unpaid speeding tickets. He has since regained his license. Further, he has had no speeding tickets the last twelve months.

Prior Criminal Convictions

§ 54.1-204 of the Code of Virginia. Prior convictions not to abridge rights.

B. In determining whether a criminal conviction directly relates to an occupation or profession, the regulatory board shall consider the following criteria:

1. The nature and seriousness of the crime;

Jernigan was convicted of larceny, a misdemeanor.

2. The relationship of the crime to the purpose for requiring a license to engage in the occupation;

The purpose of licensure is to protect the health, safety, and welfare of the public.

Jernigan's conviction occurred over 9 years ago and, he has had no further criminal charges since that time.

3. The extent to which the occupation or profession might offer an opportunity to engage in further criminal activity of the same type as that in which the person had been involved;

This offense was a youthful indiscretion. However, the nature of his involvement and leadership in breaking the trust of his friend (knowledge of the house and car keys) is a matter of concern in respect to his reliability to perform his duties as a real estate salesperson.

4. The relationship of the crime to the ability, capacity or fitness required to perform the duties and discharge the responsibilities of the occupation or profession;

Due to the age of the crime and Jernigan's actions since that time, we do not believe that the misdemeanor conviction will affect Jernigan's ability to be a responsible real estate salesperson.

5. The extent and nature of the person's past criminal activity;

Jernigan was convicted of larceny, a misdemeanor.

6. The age of the person at the time of the commission of the crime;

Jernigan was approximately 19 years old at the time of the crime.

7. The amount of time that has elapsed since the person's last involvement in the commission of a crime;

The offense, which resulted in Jernigan's larceny conviction, occurred on or about February 9, 1994.

8. The conduct and work activity of the person prior to and following the criminal activity; and

During the IFF, Jernigan stated that he was attending college prior to his conviction. After his conviction, he worked at a number of jobs. Jernigan has worked in property maintenance for the last few years.

9. Evidence of the person's rehabilitation or rehabilitative effort while incarcerated or following release.

Jernigan was not incarcerated. Jernigan stated, at the IFF, that he completed the required 50 hours of community service at a hospital.

Conclusion and Recommendation

Based upon the record, Jernigan's testimony at the IFF, the information obtained from the Central Criminal Records Exchange, and in consideration of the criteria outlined in § 54.1-204.B, we recommend Jernigan's application for a real estate salesperson's license by examination be approved with the stipulation that Jernigan enter into an Agreement for Licensure, wherein Jernigan and his Principal Broker shall report to the Board on a quarterly basis for a period of two years.

By: _____

Gerald S. Divaris
Presiding IFF Board Member
Real Estate Board

Date: July 31, 2003

By: _____

Sharon Parker Johnson
Assisting IFF Board Member
Real Estate Board

Date: July 31, 2003

**COMMONWEALTH OF VIRGINIA
DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION**

REAL ESTATE BOARD

**IN RE: JONATHAN EDWARD MORRIS
APPLICATION FOR REAL ESTATE SALESPERSON'S LICENSE**

FILE NUMBER: 2003- 03270

Summary of the Informal Fact-Finding Conference

An Informal Fact-Finding Conference (IFF) was convened on July 31, 2003, at the Department of Professional and Occupational Regulation, pursuant to a Notice of Informal Fact-Finding Conference sent by certified mail to Jonathan Edward Morris on June 23, 2003. The following individuals participated at the conference: Jonathan Edward Morris, Applicant; Douglas Schroder, Staff Member; Gerald S. Divaris, presiding Board Member and Sharon Parker Johnson, assisting Board Member.

Summation of Facts

1. Jonathan Edward Morris (Morris) applied for a real estate salesperson's license by examination on or about May 20, 2003, and disclosed criminal conviction(s).
2. On or about June 3, 2003, the Board's licensing staff provided the Regulatory Programs Division Application Review Informal Fact Finding Conference Referral Memorandum, which states the reasons the license was not issued.

Prior Criminal Convictions

§ 54.1-204 of the Code of Virginia. Prior convictions not to abridge rights.

B. In determining whether a criminal conviction directly relates to an occupation or profession, the regulatory board shall consider the following criteria:

1. The nature and seriousness of the crime;

Morris was convicted of sexual battery. This conviction resulted from an altercation with Morris' ex-girlfriend.

2. The relationship of the crime to the purpose for requiring a license to engage in the occupation;

The purpose of licensure is to protect the health, safety, and welfare of the public.

Morris' conviction occurred over 11 years ago and he has had no further criminal charges since that time.

3. The extent to which the occupation or profession might offer an opportunity to engage in further criminal activity of the same type as that in which the person had been involved;

This offense was a youthful indiscretion and should not perpetuate further criminal activity.

4. The relationship of the crime to the ability, capacity or fitness required to perform the duties and discharge the responsibilities of the occupation or profession;

Due to the age of the crime and Morris' actions since that time, I do not believe that the misdemeanor conviction will affect Morris' ability to be a responsible real estate salesperson.

5. The extent and nature of the person's past criminal activity;

Morris was convicted of sexual battery, a misdemeanor.

6. The age of the person at the time of the commission of the crime;

Morris was approximately 19 years old at the time of the crime.

7. The amount of time that has elapsed since the person's last involvement in the commission of a crime;

The offense, which resulted in Morris' sexual battery conviction, occurred on or about March 10, 1991.

8. The conduct and work activity of the person prior to and following the criminal activity; and

During the IFF, Morris stated that since his conviction, he attended and graduated from college. He has worked for Carmax as a sales representative and has worked for Wachovia as a financial specialist for the last five years.

9. Evidence of the person's rehabilitation or rehabilitative effort while incarcerated or following release.

Morris was not incarcerated.

Conclusion and Recommendation

Based upon the record, including the information obtained from the Central Criminal Records Exchange, and in consideration of the criteria outlined in § 54.1-204.B, we recommend Morris' application for a real estate salesperson's license by examination be approved.

By: _____

Gerald S. Divaris
Presiding IFF Board Member
Real Estate Board

Date: July 31, 2003

By: _____

Sharon Parker Johnson
Assisting IFF Board Member
Real Estate Board

Date: July 31, 2003

**COMMONWEALTH OF VIRGINIA
DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION**

REAL ESTATE BOARD

**IN RE: CYNTHIA MARGARET CAIN
APPLICATION FOR REAL ESTATE SALESPERSON'S LICENSE**

FILE NUMBER: 2003- 03241

Summary of the Informal Fact-Finding Conference

An Informal Fact-Finding Conference (IFF) was convened on July 31, 2003, at the Department of Professional and Occupational Regulation, pursuant to a Notice of Informal Fact-Finding Conference sent by certified mail to Cynthia Margaret Cain on June 23, 2003. The following individuals participated at the conference: Cynthia Margaret Cain, Applicant; Kathy Samson, Broker; Douglas Schroder, Staff Member; Gerald S. Divaris, presiding Board Member and Sharon Parker Johnson, assisting Board Member.

Summation of Facts

1. Cynthia Margaret Cain (Cain) applied for a real estate salesperson's license by examination on or about May 13, 2003, and disclosed criminal conviction(s).

2. On or about May 29, 2003, the Board's licensing staff provided the Regulatory Programs Division Application Review Informal Fact Finding Conference Referral Memorandum, which states the reasons the license was not issued.

Prior Criminal Convictions

§ 54.1-204 of the Code of Virginia. Prior convictions not to abridge rights.

B. In determining whether a criminal conviction directly relates to an occupation or profession, the regulatory board shall consider the following criteria:

1. The nature and seriousness of the crime;

Cain was convicted of concealment of merchandise and larceny, both misdemeanors.

2. The relationship of the crime to the purpose for requiring a license to engage in the occupation;

The purpose of licensure is to protect the health, safety, and welfare of the public.

Cain's convictions occurred over 9 years ago and, she has had no further criminal charges since that time.

3. The extent to which the occupation or profession might offer an opportunity to engage in further criminal activity of the same type as that in which the person had been involved;

We do not believe that Cain will revert to her prior criminal activity, given her psychiatric evaluation and assessment provided by Dr. Segall. Furthermore, her subsequent responsibilities as a surgical technologist have demonstrated her reliability.

4. The relationship of the crime to the ability, capacity or fitness required to perform the duties and discharge the responsibilities of the occupation or profession;

While it would appear that there may be an opportunity to revert to past criminal behavior, we do not think that Cain is likely to do so give her testimony.

5. The extent and nature of the person's past criminal activity;

Cain was convicted of concealment of merchandise and larceny.

6. The age of the person at the time of the commission of the crime;

Cain was approximately 35 years old at the time of the crime.

7. The amount of time that has elapsed since the person's last involvement in the commission of a crime;

The last offense, which resulted in Cain's larceny conviction, occurred on or about December 18, 1994.

8. The conduct and work activity of the person prior to and following the criminal activity; and

During the IFF, Cain stated that she worked for AAA for approximately 18 years, until the company downsized. Following her conviction, Cain stated that she became a certified surgical technologist and she has worked at Inova Fairfax Hospital for the last few years.

9. Evidence of the person's rehabilitation or rehabilitative effort while incarcerated or following release.

Cain was not incarcerated.

Conclusion and Recommendation

Based upon the record, including the information obtained from the Central Criminal Records Exchange, and in consideration of the criteria outlined in § 54.1-204.B, we recommend Cain's application for a real estate salesperson's license by examination be approved with the stipulation that Cain enter into an Agreement for Licensure, wherein Cain and her Principal Broker shall report to the Board on a quarterly basis for a period of one year.

By: _____

Gerald S. Divaris
Presiding IFF Board Member
Real Estate Board

Date: July 31, 2003

By: _____

Sharon Parker Johnson
Assisting IFF Board Member
Real Estate Board

Date: July 31, 2003

**COMMONWEALTH OF VIRGINIA
DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION
REAL ESTATE BOARD**

**IN RE: COLETTE NADINE MAY
APPLICATION FOR REAL ESTATE SALESPERSON'S LICENSE**

FILE NUMBER: 2003- 03242

Summary of the Informal Fact-Finding Conference

An Informal Fact-Finding Conference (IFF) was convened on July 31, 2003, at the Department of Professional and Occupational Regulation, pursuant to a Notice of Informal Fact-Finding Conference sent by certified mail to Colette Nadine May on June 23, 2003. The following individuals participated at the conference: Colette Nadine May, Applicant; Douglas Schroder, Staff Member; Gerald S. Divaris, presiding Board Member and Sharon Parker Johnson, assisting Board Member.

Summation of Facts

1. Colette Nadine May (May) applied for a real estate salesperson's license by examination on or about May 13, 2003, and disclosed criminal conviction(s).
2. On or about May 29, 2003, the Board's licensing staff provided the Regulatory Programs Division Application Review Informal Fact Finding Conference Referral Memorandum, which states the reasons the license was not issued.

Prior Criminal Convictions

§ 54.1-204 of the Code of Virginia. Prior convictions not to abridge rights.

B. In determining whether a criminal conviction directly relates to an occupation or profession, the regulatory board shall consider the following criteria:

1. The nature and seriousness of the crime;

Based on the record, May was convicted of petit larceny (3 counts), in May and December of 1995.

2. The relationship of the crime to the purpose for requiring a license to engage in the occupation;

The purpose of licensure is to protect the health, safety, and welfare of the public.

May's convictions occurred approximately 8 years ago and, she has had no further criminal charges since that time.

3. The extent to which the occupation or profession might offer an opportunity to engage in further criminal activity of the same type as that in which the person had been involved;

Based on the testimony, we do not believe that May will revert to her prior criminal activities.

4. The relationship of the crime to the ability, capacity or fitness required to perform the duties and discharge the responsibilities of the occupation or profession;

While there is a relationship between the previous convictions and the future duties and responsibilities of the occupation, we do not believe that May will repeat her prior offenses.

5. The extent and nature of the person's past criminal activity;

Based on the record, May was convicted of petit larceny (3 counts), in May and December of 1995.

6. The age of the person at the time of the commission of the crime;

May was approximately 20 years old at the time of the crimes.

7. The amount of time that has elapsed since the person's last involvement in the commission of a crime;

The last offense, which resulted in May's petit larceny conviction, occurred on or about April 20, 1995.

8. The conduct and work activity of the person prior to and following the criminal activity; and

During the IFF, May stated she graduated from college in 2000 and has been working as a mentor for troubled children. She also stated that she is currently working on her masters degree.

9. Evidence of the person's rehabilitation or rehabilitative effort while incarcerated or following release.

After incarceration, May completed 160 hours of community service at a local homeless shelter.

Conclusion and Recommendation

Based upon the record, including the information obtained from the Central Criminal Records Exchange, and in consideration of the criteria outlined in § 54.1-204.B, we recommend May's application for a real estate salesperson's license by examination be approved.

By: _____

Gerald S. Divaris
Presiding IFF Board Member
Real Estate Board

Date: July 31, 2003

By: _____

Sharon Parker Johnson
Assisting IFF Board Member
Real Estate Board

Date: July 31, 2003

REAL ESTATE BOARD

**IN RE: BARRY NATHAN HALE
APPLICATION FOR A REAL ESTATE SALESPERSON'S LICENSE**

FILE NUMBER: 2003- 03268

Summary of the Informal Fact-Finding Conference

An Informal Fact-Finding Conference (IFF) was convened on July 31, 2003, at the Department of Professional and Occupational Regulation, pursuant to a Notice of Informal Fact-Finding Conference sent by certified mail to Barry Nathan Hale on June 23, 2003. The following individuals participated at the conference: Barry Nathan Hale, Applicant; Barry Craig Hale, his father; Bill Gearhart, Principal Broker; Douglas Schroder, Staff Member; Gerald S. Divaris, presiding Board Member and Sharon Parker Johnson, assisting Board Member.

Summation of Facts

1. Barry Nathan Hale (Hale) applied for a real estate salesperson's license by examination on or about May 27, 2003, and disclosed criminal conviction(s).
2. On or about June 2, 2003, the Board's licensing staff provided the Regulatory Programs Division Application Review Informal Fact Finding Conference Referral Memorandum, which states the reasons the license was not issued.

Prior Criminal Convictions

§ 54.1-204 of the Code of Virginia. Prior convictions not to abridge rights.

B. In determining whether a criminal conviction directly relates to an occupation or profession, the regulatory board shall consider the following criteria:

1. The nature and seriousness of the crime;

Hale was convicted of larceny, a misdemeanor, on April 16, 1996; larceny and break and enter, felonies, on September 4, 1997; 5 counts of break and enter, felonies, on September 17, 1997; and 4 counts of larceny, felonies, on September 17, 1997

2. The relationship of the crime to the purpose for requiring a license to engage in the occupation;

The purpose of licensure is to protect the health, safety, and welfare of the public.

Hale's conviction occurred over 7 years ago and he has had no further criminal charges since that time.

3. The extent to which the occupation or profession might offer an opportunity to engage in further criminal activity of the same type as that in which the person had been involved;

Whereas the opportunity may exist to revert to his prior criminal activities, we do not believe that, based on his testimony, Hale is likely to repeat these offenses.

4. The relationship of the crime to the ability, capacity or fitness required to perform the duties and discharge the responsibilities of the occupation or profession;

Based on Hale's testimony, we believe that his mental framework and remorse will prevent him from embarking on criminal behavior.

5. The extent and nature of the person's past criminal activity;

Hale was convicted of larceny, a misdemeanor, on April 16, 1996; larceny and break and enter, felonies, on September 4, 1997; 5 counts of break and enter, felonies, on September 17, 1997; and 4 counts of larceny, felonies, on September 17, 1997

6. The age of the person at the time of the commission of the crime;

Hale was approximately 18 years old at the time of the crime.

7. The amount of time that has elapsed since the person's last involvement in the commission of a crime;

The last offense, which resulted in Hale's felony larceny conviction, occurred on or about March 28, 1996.

8. The conduct and work activity of the person prior to and following the criminal activity; and

During the IFF, Hale stated that following his convictions, he worked for Robinhood Rentals for approximately 10 years and he has worked three different jobs, concurrently, for the last few years.

9. Evidence of the person's rehabilitation or rehabilitative effort while incarcerated or following release.

Hale served 90 days house arrest in Bedford County and was not required to serve the 90 day house arrest in Franklin County, due to his good behavior.

Conclusion and Recommendation

Hale was accompanied by his father and his prospective broker, both of whom provided positive testimony as to Hale's character and rehabilitation. Also, Hale's work record of over ten years with the same company, during which he was entrusted with keys, money, and merchandise, reinforces the testimony of his father and his prospective broker.

Based upon the record, including the information obtained from the Central Criminal Records Exchange, and in consideration of the criteria outlined in § 54.1-204.B, we recommend Hale's application for a real estate salesperson's license by examination be approved with the stipulation that Hale enter into an Agreement for Licensure, wherein Hale and his Principal Broker shall report to the Board on a quarterly basis for a period of one year.

By: _____

Gerald S. Divaris
Presiding IFF Board Member
Real Estate Board

Date: July 31, 2003

By: _____

Sharon Parker Johnson
Assisting IFF Board Member
Real Estate Board

Date: July 31, 2003

**COMMONWEALTH OF VIRGINIA
DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION**

REAL ESTATE BOARD

**IN RE: DEBRA LEE PALMER
APPLICATION FOR AN ASSOCIATE REAL ESTATE BROKER'S
LICENSE**

Summary of the Informal Fact-Finding Conference

An Informal Fact-Finding Conference (IFF) was convened on July 31, 2003, at the Department of Professional and Occupational Regulation, pursuant to a Notice of Informal Fact-Finding Conference sent by certified mail to Debra Lee Palmer on June 23, 2003. The following individuals participated at the conference: Debra Lee Palmer, Applicant; Linda Baldwin, Broker; Sharon Wilborn; Douglas Schroder, Staff Member; Gerald S. Divaris, presiding Board Member and Sharon Parker Johnson, assisting Board Member.

Summation of Facts

1. Debra Lee Palmer (Palmer) applied for an associate real estate broker's license by examination on or about April 15, 2003, and did not meet the experience requirements on her application.
2. On or about May 22, 2003, the Board's licensing staff provided the Regulatory Programs Division Application Review Informal Fact Finding Conference Referral Memorandum, which states the reasons the license was not issued, specifically, no independent verification of experience showing that she was actively engaged as a real estate salesperson and/or broker for 36 of the 48 months preceding her application for licensure.
3. During the IFF, evidence and testimony was provided by Palmer and Sharon Wilborn, her former broker, that confirmed Palmer had been actively engaged as a real estate salesperson for 36 of the 48 months preceding her application for licensure.

Conclusion and Recommendation

Based upon the record and the information presented at the IFF, we recommend Palmer's application for an associate real estate broker's license by examination be approved.

By: _____

Gerald S. Divaris
Presiding IFF Board Member
Real Estate Board

Date: July 31, 2003

By: _____

Sharon Parker Johnson
Assisting IFF Board Member
Real Estate Board

Date: July 31, 2003

**COMMONWEALTH OF VIRGINIA
DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION**

REAL ESTATE BOARD

**IN RE: LINZ AUDAIN
APPLICATION FOR A PRINCIPAL REAL ESTATE BROKER'S
LICENSE BY RECIPROCITY**

FILE NUMBER: 2003- 03367

Summary of the Informal Fact-Finding Conference

An Informal Fact-Finding Conference (IFF) was convened on July 31, 2003, at the Department of Professional and Occupational Regulation, pursuant to a Notice of Informal Fact-Finding Conference sent by certified mail to Linz Audain on June 23, 2003. The following individuals participated at the conference: Linz Audain, Applicant; Douglas Schroder, Staff Member; Gerald S. Divaris, presiding Board Member and Sharon Parker Johnson, assisting Board Member.

Summation of Facts

1. Linz Audain (Audain) applied for a principal broker's license by reciprocity on or about May 21, 2003, and did not meet the experience requirements on his application.

2. On or about June 9, 2003, the Board's licensing staff provided the Regulatory Programs Division Application Review Informal Fact Finding Conference Referral Memorandum, which states the reasons the license was not issued.

3. Linz Audain did not provide independent verification of experience showing that he was actively engaged as a real estate salesperson and/or broker for 36 of the 48 months preceding his application for licensure.

4. During the IFF, it was determined from the testimony provided by Audain that, in addition to being an attorney, he is a practicing medical physician. Audain's Maryland Real Estate Brokerage operation is largely focused on selling investments to his fellow physicians.

Conclusion and Recommendation

Based upon the record and the information presented at the IFF, we recommend Audain's application for a principal broker's license by reciprocity be denied. This recommendation is based on our belief that Audain's experience is inadequate to justify waiving the Board's minimum experience requirement.

By: _____

Gerald S. Divaris
Presiding IFF Board Member
Real Estate Board

Date: July 31, 2003

By: _____

Sharon Parker Johnson
Assisting IFF Board Member
Real Estate Board

Date: July 31, 2003

**COMMONWEALTH OF VIRGINIA
DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION
REAL ESTATE BOARD**

**IN RE: ROBERT DAVID GIM
APPLICATION FOR REAL ESTATE SALESPERSON'S LICENSE**

FILE NUMBER: 2003- 03461

Summary of the Informal Fact-Finding Conference

An Informal Fact-Finding Conference (IFF) was convened on July 31, 2003, at the Department of Professional and Occupational Regulation, pursuant to a Notice of Informal Fact-Finding Conference sent by certified mail to Robert David Gim on June 26, 2002. The following individuals participated at the conference: Robert David Gim, Applicant; Douglas Schroder, Staff Member; Gerald S. Divaris, presiding Board Member and Sharon Parker Johnson, assisting Board Member.

Summation of Facts

1. Robert David Gim applied for a real estate salesperson's license by examination on or about June 6, 2003, and disclosed criminal conviction(s).
2. On or about June 13, 2003, the Board's licensing staff provided the Regulatory Programs Division Application Review Informal Fact Finding Conference Referral Memorandum, which states the reasons the license was not issued.

Prior Criminal Convictions

§ 54.1-204 of the Code of Virginia. Prior convictions not to abridge rights.

B. In determining whether a criminal conviction directly relates to an occupation or profession, the regulatory board shall consider the following criteria:

1. The nature and seriousness of the crime;

Gim was convicted of battery with serious bodily injury, a misdemeanor.

2. The relationship of the crime to the purpose for requiring a license to engage in the occupation;

The purpose of licensure is to protect the health, safety, and welfare of the public.

Gim's conviction occurred approximately 8 years ago and he has had no further criminal charges since that time.

3. The extent to which the occupation or profession might offer an opportunity to engage in further criminal activity of the same type as that in which the person had been involved;

Testimony presented during the IFF indicates to us that Gim is unlikely to engage in similar criminal behavior again.

4. The relationship of the crime to the ability, capacity or fitness required to perform the duties and discharge the responsibilities of the occupation or profession;

Based on Gim's testimony, he has a clear understanding of the consequences of his prior criminal action.

5. The extent and nature of the person's past criminal activity;

Gim was convicted of assault with serious bodily injury.

6. The age of the person at the time of the commission of the crime;

Gim was approximately 23 years old at the time of the crime.

7. The amount of time that has elapsed since the person's last involvement in the commission of a crime;

The last offense, which resulted in Gim's assault with serious bodily harm conviction, occurred on or about June 26, 1994.

8. The conduct and work activity of the person prior to and following the criminal activity; and

During the IFF, Gim stated he worked for Nordstrom for 6 years prior to his conviction. After the conviction and earning his college degree, Gim worked for Hugo Boss for four years.

9. Evidence of the person's rehabilitation or rehabilitative effort while incarcerated or following release.

Gim was not incarcerated. Gim did complete the required community service.

Conclusion and Recommendation

Based upon the record, including the any information obtained from the Central Criminal Records Exchange, and in consideration of the criteria outlined in § 54.1-204.B, we recommend Gim's application for a real estate salesperson's license by examination be approved.

By: _____

Gerald S. Divaris
Presiding IFF Board Member
Real Estate Board

Date: July 31, 2003

By: _____

Sharon Parker Johnson
Assisting IFF Board Member
Real Estate Board

Date: July 31, 2003

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTEREST ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Gerald S. Divaris
2. Title: Member
3. Agency: Real Estate Board
4. Transaction: Informal Fact-Finding Conferences on July 31, 2003
5. Nature of Personal Interest Affected by Transaction: _____

6. I declare that:

(a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

- ✓ (b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Signature

Date

7/31/03

STATE AND LOCAL GOVERNMENT
CONFLICT OF INTEREST ACT

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: Sharon Parker Johnson
2. Title: Member
3. Agency: Real Estate Board
4. Transaction: Informal Fact-Finding Conferences on July 31, 2003
5. Nature of Personal Interest Affected by Transaction: _____

6. I declare that:

(a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction: _____

✓(b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Sharon P. Johnson
Signature

7/31/03
Date